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Atty. Dkt. No. 025089/0101

OFFICE OF PETITIONS

MAIL DATE CANCELLED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

XPA

Applicant: Gray et al.

Title: SURGICAL DEVICE WITH
MALLEABLE SHAFT

Appl. No.: 09/432,523

Filing Date: 3 November 1999

Examiner: W. Lewis

Art Unit: 3731

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below.

Susan T. Golab

(Printed Name)

Susan T. Golab

(Signature)

8 November 2000

(Date of Deposit)

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AMENDMENT TRANSMITTAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is Amendment A in the above-identified application.

- Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a Small Entity statement previously submitted.
- Small Entity statement is enclosed.
- The fee required for additional claims is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	7	—	6	= 1 x \$18.00	= \$18.00
Independents:	2	—	1	= 1 x \$80.00	= \$80.00
First presentation of any Multiple Dependent Claims:				+ \$260.00	= \$0.00
				CLAIMS FEE TOTAL:	= \$98.00

- Applicant hereby petitions for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$380.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$870.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,360.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,850.00	\$0.00
	EXTENSION FEE TOTAL:		\$0.00
	CLAIMS AND EXTENSION FEE TOTAL:		\$98.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
	TOTAL FEE:		\$98.00

Please charge Deposit Account No. 06-1450 in the amount of \$98.00 . A duplicate copy of this transmittal is enclosed.

A check in the amount of \$98.00 is enclosed.

The Assistant Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Assistant Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 11/8/00

FOLEY & LARDNER
One IBM Plaza
330 North Wabash Avenue
Suite 3300
Chicago, Illinois 60611-3608
Telephone: (312) 755-2610
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By Terence P. O'Brien
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Registration No. 32,664
Terence P. O'Brien
Registration No. 43,840
Attorneys for Applicant



**CERTIFICATE OF MAILING
UNDER 37 CFR 1.8**



8 November 2000
Date of Deposit

I hereby certify that a Reply (6 pages); Petition for Revival of Application for Patent Abandoned Unintentionally Under 37 C.F.R. §1.137(b) (2 pages); Amendment Transmittal (2 pages); Check No. 530805; Check No. 530806; Transmittal Form (1 page); and a return postcard are being deposited with the United States Postal Service with sufficient postage as First Class Mail service under 37 CFR 1.8 on the date indicated above, addressed to: Assistant Commissioner for Patents, Box Fee Amendment, Washington, D.C. 20231.

Susan T. Golab
(Typed or Printed name of
Person Mailing Reply)

Docket No. 050251/0131

Susan T. Golab
(Signature of Person
Mailing Change of Reply)

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PTO/SB/21 (6-98)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

09/432,523

Filing Date

3 November 1999

First Named Inventor

Gray et al.

Group Art Unit

3731

Examiner Name

W. Lewis

Attorney Docket Number

050251/0131

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Pet. for Revival Cert. of Mailing Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Terence P. O'Brien Foley & Lardner, One IBM Plaza, 330 N. Wabash, St. 3300, Chicago, IL 60611	Reg. No. 43,840 (312) 755-2673
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Signature

Terence P. O'Brien

Date

8 November 2000

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date **8 November 2000**

Typed or printed name **Susan T. Golab**Signature *Susan T. Golab*Date **8 November 2000**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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